

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

5/13/25

United States of America)

v.)

NELSON GONZALEZ-PONCE)

Case No. 3:25-mj-218

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 18, 2025 in the county of Madison in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326(a)

Reentry of Previously Removed Alien.

This criminal complaint is based on these facts:

See affidavit of SA Edward (Ted) La Vigne

☒ Continued on the attached sheet.*Edward La Vigne*

Complainant's signature

SA Edward (Ted) La Vigne, HSI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).Date: May 13, 2025City and state: Dayton, Ohio

Caroline H. Gentry

United States Magistrate Judge



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Edward (Ted) La Vigne, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit to show that probable cause exists to believe that on or about April 18, 2025, in the Southern District of Ohio, Nelson GONZALEZ-PONCE violated 8 U.S.C. § 1326(a) – Reentry of a Previously Removed Alien.

2. I am a special agent (SA) with Homeland Security Investigations (HSI), and I have been employed with HSI since June 2010. I am assigned to a Child Exploitation, Cyber Operations, and public safety group at the HSI Columbus, Ohio Office of the Assistant Special Agent in Charge. I am an “immigration officer” as defined in 8 U.S.C. § 1101(a)(18) and am authorized to investigate and make arrests for violations of the Immigration and Nationality Act (INA). *See* 8 U.S.C. § 1357.

3. I am a graduate of the Criminal Investigator Training Program and the Homeland Security Investigations Special Agent Training program. Prior to joining HSI, I spent seven years working as a police officer for the United States Capitol Police (USCP); my duties varied from criminal patrol, investigating complaints, felony crimes, conducting counterintelligence and anti-terrorism operations, traffic crash investigations, the protection of U.S. Senators, and Representatives as well as foreign dignitaries, and investigating threats against those individuals.

4. I have had formal, on-the-job training, and experience regarding investigating and enforcing provisions of the INA. The information set forth in this affidavit is based upon my knowledge, training, experience, and participation in investigations involving violations of the INA. This information is also based on the knowledge, training, experience, and investigations conducted by fellow law enforcement officers, which have been reported to me either directly or

indirectly. Additionally, this information is based on the review of Alien Files, or “A-Files”, which are official government records maintained on every immigrant and some nonimmigrants. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. I believe this information to be true and reliable. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and arrest warrant and does not set forth all my knowledge about this matter. I did not withhold any information or evidence that would negate probable cause.

PROBABLE CAUSE

5. On April 18, 2025, the Ohio State Highway Patrol (OSP) conducted a traffic stop on a 2007 grey Toyota Tacoma bearing Ohio license plate PNP7362 and being driven by an individual later identified as Nelson Gonzalez-Ponce (hereinafter GONZALEZ-PONCE). OSP observed the vehicle sitting on the shoulder of U.S. Route 40 near Hubbard Road in Madison County, Ohio with its hazard lights activated. When OSP pulled in behind the vehicle and attempted to approach the driver on foot, the vehicle suddenly accelerated away from the scene at a high rate of speed. OSP gave chase, catching up to the vehicle. During the pursuit, OSP observed the vehicle being driven erratically as it nearly struck multiple vehicles while driving at a rate of speed of more than 90 mph. The pursuit ended by OSP conducting a traffic stop on the vehicle on State Route 142. The Trooper contacted the driver of the vehicle, identified as Nelson GONZALEZ-PONCE from his Honduran National Identification card and vehicle registration. GONZALEZ-PONCE was arrested for OVI and driving without a license and transported to the Tri-County Jail.

6. On April 19, 2025, ICE - Law Enforcement Support Center (LESC) contacted ERO Columbus and confirmed the fingerprints of Nelson GONZALEZ-PONCE were of a previously

deported alien with legal name Nelson GONZALEZ-PONCE. Additionally, the ICE LESC confirmed the FBI number associated with GONZALEZ-PONCE matched the FBI number for Nelson GONZALEZ-PONCE. On April 23, 2025, staff from the Tri-County jail contacted ICE Enforcement and Removal Operations (ERO) Columbus, OH upon learning that GONZALEZ-PONCE was a citizen of Honduras when he was processed into the Tri-County jail.

IMMIGRATION AND CRIMINAL HISTORY

7. Based on my training and experience, I know that a DHS “A-File” is a file in which all immigration records are maintained for aliens admitted or found to be illegally present in the United States. I also know that a DHS A-File usually contains forms, photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the DHS A-File is maintained. The A-file corresponds with an “A-number”, a unique number assigned to foreign nationals as they undergo proceedings through the United States immigration system GONZALEZ-PONCE’S A-file is maintained under A-number 098-713-381. I know that in addition to A-files, DHS utilizes numerous databases and indices to store immigration related information that correlates with documents found in the A-file. GONZALEZ-PONCE’S A-file provided his immigration and criminal history.

8. On December 8, 2004, GONZALEZ-PONCE was apprehended in Hidalgo, TX by the United States border Patrol (USBP) and processed him as an WA/NTA under section 212(a)(6)(A)(i) of the INA.

9. On January 31, 2005, the Executive Office for immigration review in Baltimore, MD, ordered GONZALEZ-PONCE removed in absentia.

10. On September 10, 2011, GONZALEZ-PONCE was arrested by the Chesterfield

Police Department located in Chesterfield VA for Identity Theft (Possession of a Fictitious ID Card). Further on September 10, 2011, ERO Washington D.C. arrested GONZALEZ-PONCE after he had been booked into the Chesterfield County Jail and processed him for removal.

11. On February 13, 2012, ERO San Antonio, TX, removed GONZALEZ-PONCE from the United States.

12. On September 14, 2013, ERO Baltimore apprehended GONZALEZ-PONCE in Baltimore, MD and processed him as a Reinstater under section 212(a)(9)(A)(ii) of the INA. On October 18, 2013, ERO Baltimore, MD removed GONZALEZ-PONCE from the United States back to Honduras via flight.

13. On 24, 2016, the Laredo Police Department (LPD) arrested GONZALEZ -PONCE in Laredo, TX, for Assault Causing Bodily Harm.

14. On July 24, 2016, ERO Laredo, TX arrested GONZALEZ-PONCE at the Webb County Jail in Laredo, TX. ERO Laredo processed GONZALEZ-PONCE as a Reinstater under 212(a)(9)(A)(ii) of the INA. On July 29, 2016, ERO Brownsville, TX removed GONZALEZ-PONCE from the United States.

15. On January 1, 2023, GONZALEZ-PONCE was arrested by the Dublin, OH Police Department for Operating a Vehicle under the Influence (OVI). On March 14, 2023, GONZALEZ-PONCE was convicted of OVI by the Dublin, OH Mayor's Court.

16. According to his A-File, GONZALEZ-PONCE is a citizen of Honduras and has no legal status in the United States. GONZALEZ-PONCE did not receive permission from the United States Attorney General or the United States Department of Homeland Security Secretary for reentry into the United States.

CONCLUSION

17. Based on the facts set forth in this affidavit, there is probable cause to on or about April 18, 2025, in the Southern District of Ohio, GONZALEZ-PONCE violated Title 8, United States Code Section 1326(a) (Reentry of a Previously Removed Alien).

Edward La Vigne

Edward (Ted) La Vigne
Special Agent
Homeland Security Investigations

Subscribed and sworn to me by telephone on this 13th day of May, 2025.

Caroline H. Gentry

Caroline H. Gentry
United States Magistrate Judge

